

9/06/06 P&Z minutes

Three related ordinances amending Chapter 7 of the Code of Ordinances of the City of Asheville:

- ? Steep Slope and Ridge top Overlay District
- ? Retaining Wall Regulation
- ? Open Space Requirements

Scott Shuford presented the proposed wording amendments and provided the Commission with various handouts. Mr. Byers opened the public hearing at 8:35 PM. The following persons spoke:

Albert Sneed (CIBO)	Existing hillside ordinance has worked fine Notice of the amendments was short; need more time to evaluate The amendments are complex There appear to be unintended consequences: <ul style="list-style-type: none">○ Some lots may be unbuildable○ Extra expense to build or add on
Jerry Sternberg	Public needs to know about the ordinance The Health Adventure couldn't be built under the ordinance Schools might be affected Housing affordability will be affected
Paul Szurek	Could affect developer margin of profit Lower land values = lower tax revenues Potential for retaining wall failure Construction job loss concerns
Mike Butrum (Asheville Board of Realtors)	Economic and practical impact Effect on tax base with property values plummeting Overly-restrictive
Chris Eller	Economic impacts Impact on affordability More time to discuss
Barber Melton (CAN)	Supports the ordinance Public safety concerns with steep slope development How is historic grade determined (developer or staff)?
Gerald Green	Favors additional protection What can we learn from historic developments (Albemarle Park, Town Mountain)? Steeper cut banks in rock conditions might be preferred More incentive for clustering

Mr. Byers closed the public hearing at 9:11 PM. Commission members felt significant efforts for public input needed to be taken. Components of the ordinance were discussed. Staff indicated that delays in the effective date of the Buncombe County steep slope ordinance appeared to result in some unintended consequences for the County Commissioners. **Mr. Sizemore moved to continue the ordinances to November 1, 2006, with direction to staff to have a public information meeting or meetings, as**

needed, in the interim. The motion was seconded by Mr. Jones and carried unanimously.

11/01/06 P&Z minutes

Chairman Byers also announced the intention to **continue the steep slope wording amendment to December 6, 2006.** On motion by Mr. Sizemore with a second by Ms. Weeks, the item is continued (5-0).

12/06/06 P&Z minutes

The Commission and staff reviewed the agenda. It was noted that the steep slopes and Biltmore Lake items would be continued until January 3, 2007. **There was some discussion of the steep slopes ordinance, including how to regulate road corridors and what public processes were used to gain input. The Commission members requested information on specific sites they could visit to gain a better perspective of the %-slope measurements and design issues.**

Mr. Byers called for action to continue the Biltmore Lake case and steep slopes/open space/retaining wall code amendment until January 3, 2007. On motion by Ms. Weeks with a second by Mr. Cannady, the items were continued (6-0).

01/03/07 P&Z minutes

The Commission and staff reviewed the agenda in the Worksession. Staff indicated that one item had been withdrawn by the applicant and there was a need to continue three other items. **There was discussion of the steep slopes and adaptive reuse ordinances by the Commission and staff.**

Mr. Byers noted the following adjustments to the agenda:

- 1. UDO amendment/Steep slope, etc. ordinance changes - to be continued to January 18, 2007 midmonth meeting after staff presentation and public comment**

Mr. Byers called for action to continue items 1, 3 and 4 above to February 7, 2007. Mr. Jones moved to continue these items; the motion was seconded by Mr. Sizemore and it passed unanimously (7-0).

01/18/07 P&Z Mid Month Minutes

See separate email for minutes.

02/07/07 P&Z Mid Month Minutes

Continued due to March 1 Retreat and discussion regarding Steep Slope ordinance.

03/01/07 P&Z Retreat Minutes

The Commission retreat consisted of a bus tour of several steep slope sites, including The Ramble, Grove Cove Park and several single family sites. The tour was followed by a luncheon at which a presentation of landslide hazards was given by Rebecca Latham of the NC Geological Survey. Commission members expressed appreciation for Ms. Latham's informative presentation.

03/07/07 P&Z Minutes

Steep Slope and Ridgetop Overlay District

Scott Shuford provided a presentation on the proposed ordinance, describing the changes since the February draft. He noted a number of late-arriving comments. Mr. Byers opened the public hearing at 6:30 PM. The following persons spoke:

Speaker Name(s)	Issue(s)
Mike Butrum (representing Board of Realtors and Homebuilders Association)	Commended staff. Supports ordinance with changes recommended by the Chamber of Commerce Development Sub-Committee. Noted formation of Mountain Area Council for Accountable Development.
Sarah Oram	Wants stronger control over visual impacts (LRV); concerned about density bonuses (too generous) and alternative landscaping option.
Mike Lewis	Likes new definitions section. Would like to see conversion table (slope %, slope degrees, slope ratio) added.
Heather Rayburn (representing Mountain Voices Alliance)	Provided photos of steep slope development. Concerned about density bonuses, removal of downhill side setback. Wants geotech survey on slopes of 20% or greater.
Jake Quinn	Concurred with everything Heather Rayburn had to say. Suggested an RS-1 zoning and better planning.
Chris Eller (representing CIBO)	Recommended a transfer of development rights provision to protect property rights while preserving slopes.
Robert Coxe	Concerned about effects of ridgetop regulations on potential height of home on his property. Concerned about grading % and tree preservation.
Ann McMartin	Supports RS-1 zoning.
Tom Williamson (representing Biltmore Farms)	Presented illustrations showing 2220'/2500'/3000' elevation lines and effect on City of Asheville. Argued for Chamber of Commerce recommendation about where steep slope regulations should apply.

Julie Roepnack	Supports RS-1 zoning.
Janet Betke	Supports RS-1 zoning.

Chairman Byers closed the public hearing at 7:06 PM. He noted the following:

- ? The addition of a conversion table is a good idea.
- ? He felt the arguments for an RS-1 district were addressed in a “more refined” fashion through the density limits based on degree of slope in the ordinance.
- ? The alternative landscaping plan was a reasonable way to provide property owner flexibility while ensuring ordinance intent.
- ? He raised questions about the 2220’ provision.

Ms. Weeks expressed concern about the following, indicating a desire to postpone action:

- ? Density limits.
- ? Effect on affordability.
- ? 2220’ provision.
- ? Grading.
- ? Need for mapping information.
- ? Possible companion ordinance to recapture lost density through neighborhood infill.

Mr. Jones and Mr. Cannady raised property rights concerns and also expressed a desire to postpone action.

Mr. Sizemore felt the ordinance was fine with a few adjustments. He moved approval subject to adding Chamber of Commerce language about the point of application of slope regulations, applicability language, and roof water collection system bonus. He did not support the private road retaining wall exemption. Mr. Shuford indicated a desire to more fully explore some of the Chamber suggestions while expressing appreciation for the effort to move the ordinance forward. The motion died for lack of a second.

Mr. Hart wanted more time to evaluate the Chamber comments and safety issues. He moved to continue the item to the April 4 meeting with a bias for action at that time. The motion contained direction to staff to more fully explore the 2220’ issue, add the conversion table, and communicate a desire to receive written public comments by March 26 to allow time to take them into account. It was noted that the public hearing would continue at that meeting to allow additional comments to be received. The motion was seconded by Mr. Sizemore and carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville: **Open Space Requirements**

Scott Shuford presented the wording amendment staff report. Mr. Byers opened the public hearing at 8:25 PM. Grace Curry suggested a requirement to connect adjoining areas of open space. Mr. Byers closed the public hearing at 8:27 PM. Mr. Shuford expressed support for Ms. Curry’s idea as an “encouragement” rather than a requirement

since some open space areas could not be compatibly connected. Mr. Hart moved to recommend approval of the item with the addition of language encouraging connectivity where practical and appropriate; the motion was seconded by Ms. Weeks and carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville: **Retaining Wall Regulation**

Scott Shuford recommended continuance since he had received a late-arriving comment that had not been evaluated. Mr. Sizemore moved to recommend continuance of the item; the motion was seconded by Mr. Jones and carried unanimously (6-0).

04/04/07 P&Z Mid Month Minutes

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding **Steep Slope and Ridgetop Overlay District**.

Scott Shuford provided a presentation on the proposed steep slope and ridgetop ordinance, describing the changes since the September draft. He noted the remaining issue of significance was where to apply the steep slope requirements and provided photographs showing the effect of two alternatives. He answered questions about the effect of moving to a 25% slope requirement and the basis for the 2,220 foot standard in the current “hillside” requirements. Mr. Byers opened the public hearing at 6:43 PM. The following persons spoke:

Speaker Name(s)	Issue(s)
Paul Szurek	Expressed concern about the effects of retaining the 2,220 foot elevation requirement. Recommended a 2,500 foot elevation and 25% slope alternative.
Mike Butrum (representing Board of Realtors and Homebuilders Association)	Agreed with Mr. Szurek’s recommendation.
Gerald Green	Noted concern about the 25% slope below 2,220 foot requirement on specific infill sites.
Jake Quinn, representing Grove Park/Sunset Mountain Association	? Disagreed with any increased in elevation requirements ? Preferred lower threshold for geotechnical analysis
Janet Betke	Recommended staying with 2,220 foot threshold.
Elaine Lite	Recommended “strongest possible ordinance.”
Barber Melton	Recommended staying with 2,220 foot and 15% thresholds.
Heather Rayburn	Expressed concern about “name-calling” by various groups.
Bob Jolly	Expressed property rights concerns.
Tom Williamson	Agreed with Mr. Szurek’s recommendation and provided additional rationale.

Chairman Byers closed the public hearing at 7:14 PM. There was Commission discussion of the various options for establishing a steep slopes threshold, and how development was regulated during and after construction.

Mr. Sizemore and Ms. Weeks noted the extensive analysis of the issue by the Commission and staff. There was much discussion about the advantages of the 2,500 foot elevation and 25% slope thresholds. Mr. Byers and Mr. Young expressed some concern over the viewshed impact of that alternative. The geotechnical analysis threshold seemed to be consistent with technical information from the NC Geological Survey. Mr. Sizemore expressed a concern about the availability of infrastructure to support development.

Ms. Weeks moved to recommend approval of the ordinance with the 2,500 foot elevation and 25% slope thresholds. The motion was seconded by Mr. Sizemore and carried by a 6-1 vote (Byers opposed).

Secretary's note: The Commission discussion and vote created considerable tension among persons in the meeting room.

Ordinances amending Chapter 7 of the Code of Ordinances of the
City Asheville regarding **Retaining Wall Regulation**

Mr. Shuford presented the staff report. In response to a Commission question about the general effect of development, he opined the following:

- ? Asheville's past development practices would be considered appalling today but resulted in many of the wonderful areas we so appreciate today such as the Kenilworth neighborhood which was clearcut/logged prior to road and home construction.
- ? The development process is complex, and, as anyone who has ever remodeled their home can attest, field changes do occur and have to be accommodated.
- ? Staff does an excellent job of monitoring development during construction but citizen expectations may be unrealistically high, such as the photographs recently sent to us by an angry citizen of a normally functioning silt fence.
- ? The current level of development in the City, along with annexation, has resulted in the City starting to overcome a decades-long revenue crunch to the extent that some Council members are even discussing tax reductions without having to impact service delivery.
- ? We are a community that thrives on conflict. This community enjoys coming to meetings to the extent that some people's social life revolves around coming to meetings. This level of community interest is generally a good thing but can magnify things in a highly emotional fashion, making it hard to reach balanced decisions.

Mr. Byers opened the public hearing at 8:04 PM.

Speaker Name(s)	Issue(s)
Heather Rayburn	Took exception to Mr. Shuford's comments, especially the "social life" one. Requested the minutes reflect the comments. Indicated an intent to file an AICP ethics complaint against Mr. Shuford about the comment.
Jake Quinn	<p>? Noted that the longer the Commission discussed an ordinance, the less stringent the requirements became.</p> <p>? Felt Mr. James Wood's comments described in the staff report and included as part of the agenda packet were not adequately addressed.</p>
Elaine Lite	Expressed disappointment in the prior vote- concern over a history of votes falling in favor of developers.

Ms. Weeks noted that most of the comments had little to do with the agenda item under consideration. Mr. Hart noted that the Commission had spent months of thoughtful consideration of the steep slopes ordinance before coming to its decision. Mr. Sizemore noted that the members of the Commission work hard before deciding and that they all have a stake in what happens in the community. Mr. Young brought up the subject of terracing retaining walls to reduce their impact. After some consideration, the Commission recommended adding the following language to the ordinance:

Terracing of retaining walls is allowed and encouraged; provided that no single retaining wall shall exceed 20 feet in height and each successive wall shall be setback at least five feet from the face of the lower wall. The application of foreground landscaping or attached vegetative screening shall be based on the cumulative height of the terraced walls except that a one level reduction in required landscaping from the following table shall be allowed.

Mr. Sizemore moved to recommend approval of the ordinance as modified above. Mr. Jones seconded the motion and it carried unanimously.